



# CITY OF CARLSBAD – AGENDA BILL

10

AB#	18,747	CITIZENS' COMMITTEE TO STUDY THE FLOWER FIELDS AND THE STRAWBERRY FIELDS AREA COMPARATIVE ANALYSIS OF PROPOSITIONS	DEPT. HEAD	SA
MTG.	9/26/06		CITY ATTY.	213
DEPT.	CD		CITY MGR.	RI

## RECOMMENDED ACTION:

That the City Council **ACCEPT** the Comparative Analysis of Proposition D and Proposition E prepared by the Citizens Committee to Study the Flower Fields and the Strawberry Fields Area.

## ITEM EXPLANATION:

On August 21, 2006, the City Council voted to reconvene the Ad Hoc Citizens' Committee to Study the Flower Fields and the Strawberry Fields Area of the City. The Committee was reconvened for the purpose of preparing an updated Comparative Analysis of Proposition D, the City-sponsored ballot measure regarding the Area, and Proposition E, an initiative affecting the Area sponsored by a citizens group. The Citizens' Committee had previously prepared a Comparative Analysis of the two propositions as part of its Final Report accepted by the Council on July 25, 2006. However, the City-sponsored measure, Proposition D, was subsequently and substantially revised to incorporate all of the revisions recommended by the Committee in its Report. The Council, therefore, requested that the Committee prepare a neutral, updated Analysis comparing the two propositions.

Attached as Exhibit 1 to this Agenda Bill is the revised, updated Comparative Analysis prepared by the Citizens' Committee. The Analysis is a neutral, impartial comparison of the two propositions and is not intended to advocate a position in support of, or in opposition to either one. The Citizens' Committee met on September 7, 2006 and voted (13-0) to approve the updated Analysis. Similar to the Committee's previous Analysis, the Comparative Analysis consists of two parts: an Issues Analysis and a Technical Analysis. While the technical comparison is a necessary component, the Committee felt that the comparison of issues (Issues Analysis) provided on the first two pages of the Comparative Analysis contains the information that would be of greater interest and importance to the citizens of Carlsbad.

## FISCAL IMPACT:

Preparation of the Comparative Analysis by the Citizens' Committee was funded out of the original account authorized by the City Council on May 2, 2006 for the administration and operation of the Committee. No new or additional funds were needed.

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<b>FOR CITY CLERKS USE ONLY.</b>				
<b>COUNCIL ACTION:</b>	APPROVED	<input type="checkbox"/>	CONTINUED TO DATE SPECIFIC	<input type="checkbox"/>
	DENIED	<input type="checkbox"/>	CONTINUED TO DATE UNKNOWN	<input type="checkbox"/>
	CONTINUED	<input type="checkbox"/>	RETURNED TO STAFF	<input type="checkbox"/>
	WITHDRAWN	<input type="checkbox"/>	OTHER – SEE MINUTES	<input type="checkbox"/>
	AMENDED	<input type="checkbox"/>		

**Page 2 "CITIZENS' COMMITTEE TO STUDY THE FLOWER FIELDS AND THE  
STRAWBERRY FIELDS AREA COMPARATIVE ANALYSIS OF PROPOSITIONS"**

**ENVIRONMENTAL IMPACT:**

Acceptance of the Comparative Analysis prepared by the Citizens' Committee does not qualify as a project under the California Environmental Quality Act (CEQA Section 15378) and no environmental review is required.

**EXHIBITS:**

1. Comparative Analysis of Proposition D and Proposition E prepared by Citizens' Committee

## Comparative Analysis

### Issues Analysis

	Topic  Does the Proposition:	Current Status/General Plan/Zoning Ordinance	Proposition D "Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers' Money" (City Ballot Measure)	Proposition E "Save the Strawberry and Flower Growing Fields Act of 2006" (Citizens' Initiative)
1.	Save "The Flower Fields®"?	Already protected by Deed Restriction with owner requiring continued flower growing	Already protected	Already protected
2.	Reflect Citizen input?	N/A	Yes	Yes
3.	Require broad public participation to implement?	N/A	Yes	No
4.	Envision new special City programs to ensure coastal agriculture is maintained?	No	No	Yes
5.	Restrict the land use to uses consistent with agriculture?	Allows agriculture on all sites as one of permissible Open Space (OS) uses.	No	Yes
6.	Permit agricultural use and raise it to a Category 1 Priority?	Permits agriculture in (OS) as a Category 5 Priority.	Yes	Yes
7.	Change the City's General Plan policies regarding agriculture from an interim use to a long term use?	Agriculture is considered an interim land use except on "The Flower Fields®"	No	Yes
8.	Permit Residential Development?	No	No	No
9.	Eliminate Travel/Recreation Commercial (TR) use on 48 acres adjacent to I-5?	Allows Travel/Recreation Commercial (TR) use on 48 acres adjacent to I-5	No	Yes

## Comparative Analysis

### Issues Analysis

	Topic  Does the Proposition:	Current Status/General Plan/Zoning Ordinance	Proposition D "Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers' Money" (City Ballot Measure)	Proposition E "Save the Strawberry and Flower Growing Fields Act of 2006" (Citizens' Initiative)
10.	Permit Commercially Zoned uses on lands other than the 48 acres adjacent to I-5?	No	No	No
11.	Permit Industrially Zoned uses?	No	No	No
12.	Restrict Public Utility (PU) uses to existing utility transmission corridors?	No	No	Yes
13.	Permit Open Space (OS)/ Outdoor Recreation?	Allows both active and passive recreation.	Yes	No
14.	Permit OS/Public Access?	Permitted in most Open Space	Yes	No
15.	Permit (OS)/Parks?	Yes	Yes	No
16.	Permit (OS)/Trails?	Yes	Yes	No
17.	Permit (OS)/Public Facilities?	Yes	Yes	No
18.	Create risk of lawsuit potential for taking of private property rights?	No	No	Yes
19.	Require Environmental Review?	City sponsored ballot measures (Prop D) require CEQA review, citizen initiatives (Prop E) are exempt from CEQA review	Yes	No

## Comparative Analysis

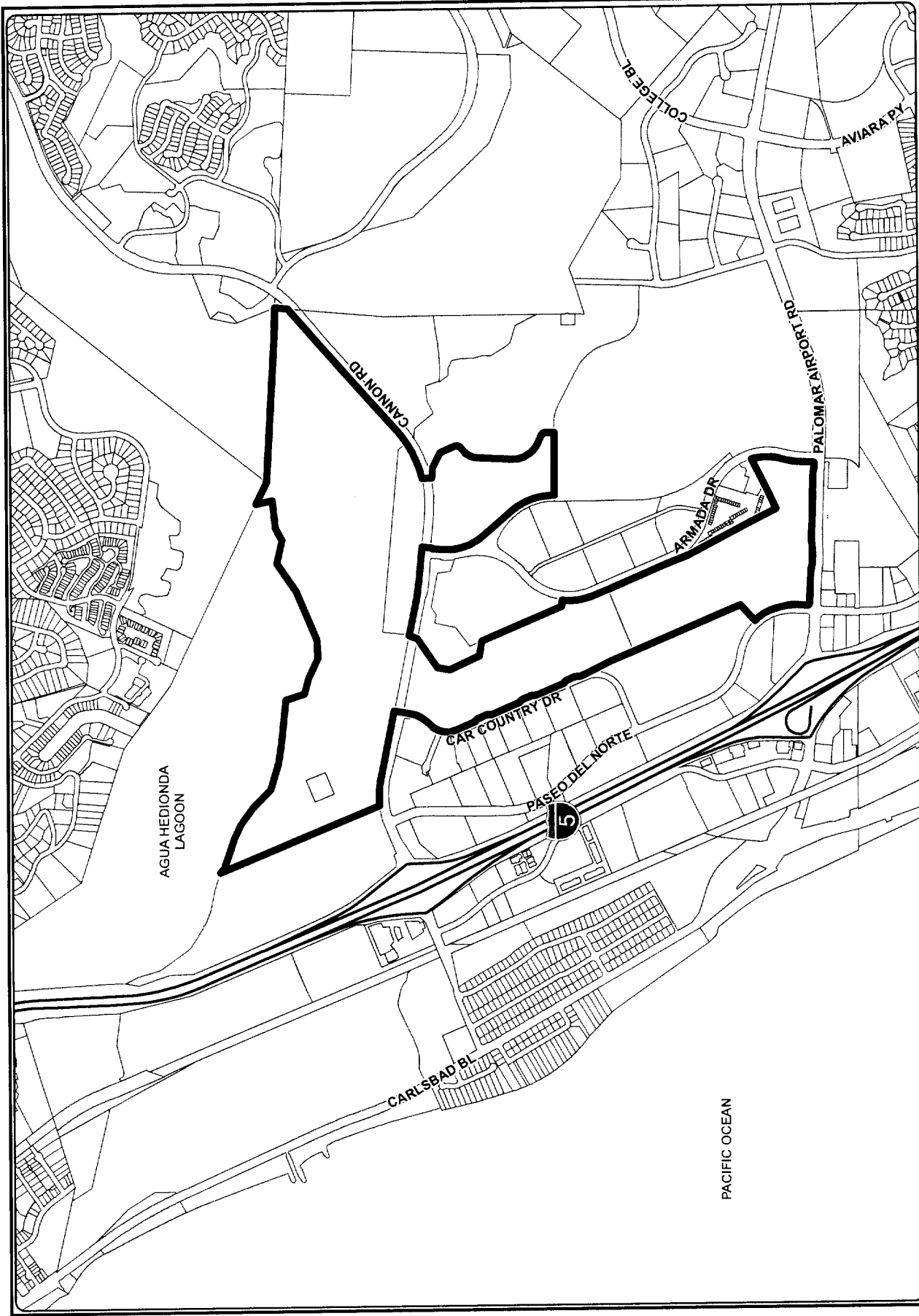
### Technical Analysis

	<b>Proposition D “Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers’ Money” (City Ballot Measure)</b>	<b>Proposition E “Save the Strawberry and Flower Growing Fields Act of 2006” (Citizens’ Initiative)</b>
<b>Size of Area Affected</b>	Approximately 307 acres (see map)	Approximately 430 acres (see map)  Includes additional land over and above Proposition D as follows: 1) 48 acres of SDG&E property adjacent to I-5 (APN 211-010-24); 2) 26.18 acres of SDG&E property (portion of APN 211-010-31) on south side of Cannon Road; 3) 2.63 acres Agua Hedionda Lagoon Foundation Nature Center (APN 208-186-05); 4) 49.22 acres of CA Department of Fish & Game property within Agua Hedionda Lagoon Preserve (portion of APN 208-020-44); 5) .20 acres of City of Carlsbad property (portion of APN 212-010-15); 6) 5.24 acres of Kelly Land Co. property (APNs 208-186-01 & -04)
<b>Summary of Stated Purposes</b>	<ul style="list-style-type: none"> <li>The Flower Fields and Strawberry Fields area is preserved in open space and that farming is allowed to continue as long as it is viable</li> <li>To allow public use, access and community gathering places to occur in the area in a manner that does not adversely impact other open space and environmental resources located in the area</li> <li>To create a sustainable area that balances social, economic and environmental values important to the community</li> </ul>	<ul style="list-style-type: none"> <li>To conserve Open Spaces and historic coastal agricultural uses</li> <li>To create a new land use designation of “Coastal Agriculture” and apply it to the area</li> <li>To conserve the area from inappropriate development and other inconsistent land uses</li> </ul>
<b>Summary of Major Provisions</b>	<ul style="list-style-type: none"> <li>Amends the General Plan and the Zoning Ordinance to ensure that the affected area is preserved for open space</li> <li>Allows for farming to continue in the area as long as it is economically viable</li> <li>Allows for certain other open space uses in the area including park and recreation uses</li> </ul>	<ul style="list-style-type: none"> <li>Amends the policies of the General Plan to support continued agricultural use in the affected area</li> <li>Requires the city to ensure that agricultural use continues in the area by “whatever means practicable”</li> <li>Directs City to ensure that uses in the area are consistent with and supportive of coastal agriculture</li> <li>Changes the 48 acre parcel at I-5 and Cannon Road from commercial use to open space</li> </ul>
<b>General Plan Changes</b>	<ul style="list-style-type: none"> <li>Amends the Land Use Element of the General Plan to designate the affected area for Special Planning Consideration and identifies the area as “The Cannon Road Open Space, Farming and Public Use Corridor”</li> <li>Creates new goals, objectives and programs including permitted uses to ensure that the area is permanently protected and preserved as an open space corridor</li> </ul>	<ul style="list-style-type: none"> <li>Amends the Open Space and Land Use Elements of the General Plan to include new and amended goals, objectives and programs to support continued agriculture in the area including and adjacent to the Flower and Strawberry Fields</li> <li>Creates a new Land Use designation of Coastal Agriculture and applies it to the area</li> <li>Eliminates references characterizing agriculture as an interim land use</li> <li>Amends the Open Space map to show the 48 acre commercial parcel at I-5 and Cannon Road as Open Space</li> </ul>

## Comparative Analysis

### Technical Analysis

	<b>Proposition D</b> <b>“Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers’ Money”</b> <b>(City Ballot Measure)</b>	<b>Proposition E</b> <b>“Save the Strawberry and Flower Growing Fields Act of 2006”</b> <b>(Citizens’ Initiative)</b>
<b>Zoning Changes</b>	Changes the zoning to Open Space on all portions of the area not presently zoned Open Space	<ul style="list-style-type: none"> <li>None included, however, follow-up amendments to the Zoning Ordinance will be necessary for the city to fully implement the Proposition</li> </ul>
<b>Local Coastal Program Changes</b>	<ul style="list-style-type: none"> <li>Does not require an amendment to the Local Coastal Program Land Use Plan</li> </ul>	<ul style="list-style-type: none"> <li>None included, however, follow-up amendments to the Local Coastal Program will be required for the City to fully implement the Proposition</li> </ul>
<b>Compliance with Other City Land Use Documents</b>	<ul style="list-style-type: none"> <li>Complies with all other City land use documents</li> </ul>	<ul style="list-style-type: none"> <li>Acknowledges existence of other applicable land use documents</li> <li>Designating the area as Coastal Agriculture may conflict with the Habitat Management Plan</li> <li>City Council may amend the Proposition if necessary to comply with State programs, including the Habitat Management Program</li> </ul>
<b>Permitted Land Uses</b>	<ul style="list-style-type: none"> <li>Permits only open space, farming and compatible public uses in the area as follows:               <ol style="list-style-type: none"> <li>1) Open Space</li> <li>2) Farming and other related agricultural support uses including flower and strawberry production</li> <li>3) Public trails</li> <li>4) Active and Passive park, recreation and similar public and private use facilities (except on the existing “Flower Fields®”)</li> <li>5) Electrical Transmission Facilities</li> </ol>               Residential uses specifically prohibited             </li> </ul>	<ul style="list-style-type: none"> <li>Uses that support production of agricultural products and existing utility transmission corridors</li> </ul>
<b>Amendment Procedures</b>	<ul style="list-style-type: none"> <li>None required</li> </ul>	<ul style="list-style-type: none"> <li>Allows amendment upon showing of substantial evidence that there is a taking of private property rights</li> <li>Amendment must narrowly construe compliance requirements</li> <li>City Council determination subject to referendum</li> </ul>
<b>Conflicting/Competing Ballot Measures</b>	This measure is inconsistent with and intended as an alternative to any other initiative(s) or measure(s) placed on the same ballot that addresses the same subject matter as this measure. In the event that this measure and another initiative(s) or measure(s) addressing the same subject matter as this measure, or any part thereof, is approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such initiative(s) or measure(s), then this measure shall prevail and control in its entirety and said other initiative(s) or measure(s) shall be rendered void and without any legal effect.	<ul style="list-style-type: none"> <li>In the event there are competing measures on the same ballot with this measure that purport to address the same subject matter of this measure, the following rules shall apply: If more than one such measure passes, then both measures shall go into effect except to the extent that particular provisions of one initiative are in direct, irreconcilable conflict with particular provisions of another initiative. In that event, as to those conflicting provisions, only the provisions of the initiative receiving the most votes shall prevail.</li> </ul>

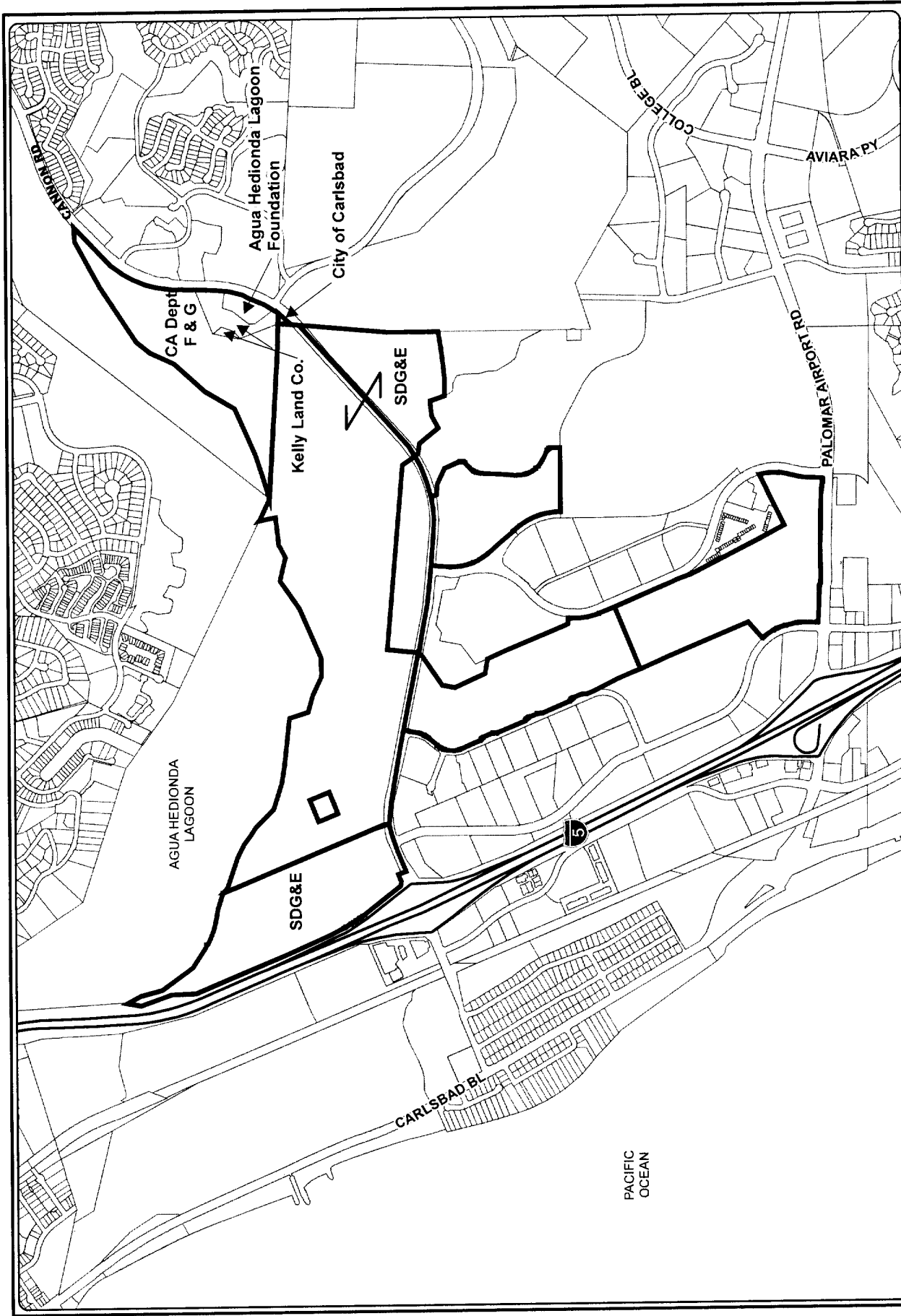


**"Area Affected by Proposition D" - Approximately 307 acres**

City of Carlsbad



NORTH



**"Area Affected by Proposition E" - Approximately 430 acres**

City of Carlsbad

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